

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, indicating any attachments must be submitted with this appeal.

From: PASHA MAZHAR

LAST NAME, FIRST, MIDDLE INITIAL

56741-019 Mobile 1 Wing FPC Montgomery

Part A—REASON FOR APPEAL

On August 4, 2005, I requested to be considered for six (6) months Home Confinement Pursuant to P.S. 7310.04 and 18 U.S.C. § 3624. This request was denied. In compliance with 1350.13 the administrative remedies programs, this appeal ensued. My unit manager, Mr. Stephens, states in his reply to my BP-8 that, "you are not being denied consideration for home confinement." He notes that the determination will solely be up to the CCM. However such determination can not be made without a timely recommendation from my unit team. As stated in my initial appeal I meet all the requirements for this consideration. In order for me to receive full benefits of my request, the recommendation must be made immediately. I am asking that it be given full consideration to start this process. Mr. Stephens stated that I am not being denied. However he has made no efforts in recommending me for Home Confinement. Attachment (A) of the CCC packet implies that it must be included in the CCC packet in order for an inmate to be considered for Home Confinement. I prepared a BP-9 to Warden Middlebrooks. In his response, the Warden relied on P.S.7320.01 dated 9/6/95. I also prepared a BP-10 for the Regional Director. Both appeals

DATE

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C—RECEIPT

CASE NUMBER: _____

turn to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

were denied recent case law clearly demonstrate that the reliance on this P.S. was error.

The Bureau of Prison's policy limiting the placement of prisoners in halfway houses to the lesse of 10 percent of a prisoner's total sentence or six (6) months is inconsistent with the applicable statue and congressional intent the U.S.Court of Appeals for the Third, Second, and Eight Circuits have held that the policy precludes the full consideration of statutory factors that the BOP must consider in making placement and transfer determinations, (See Greenfield, no. 03 CIV 8205, Byrd v. Hasty, 142 F3d 1395, Icaboni v. United States, 251 F.Supp 2d 1015, and Estes v. Federal Bureau of Prisons, 273 F.Supp 2d 1301. See also Woodall v. Federal Bureau of Prisons as recently as Dec 15, 2005 and Fults v. Sanders as recent as April 4, 2006.

I am asking that I be serious consideration to spend the remainder of my sentence on Home Confinement.

RECEIPT - ADMINISTRATIVE REMEDY

DATE: JUNE 22, 2006

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : MAHZAR PASHA, 56741-019
MONTGOMERY FPC UNT: MOBILE QTR: 001-011U

THIS ACKNOWLEDGES THE RECEIPT OF THE CENTRAL OFFICE APPEAL
IDENTIFIED BELOW:

REMEDY ID : 404926-A1
DATE RECEIVED : MAY 22, 2006
RESPONSE DUE : JULY 1, 2006
SUBJECT 1 : ACCESS TO PROGRAMS (CCC REFERRALS, RECREATION, ETC.)
SUBJECT 2 :
INCIDENT RPT NO:

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: JULY 7, 2006

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : MAHZAR PASHA, 56741-019
MONTGOMERY FPC UNT: MOBILE QTR: 001-011U

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE CENTRAL OFFICE APPEAL
IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED
FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 404926-A1
DATE RECEIVED : MAY 22, 2006
RESPONSE DUE : JULY 21, 2006
SUBJECT 1 : ACCESS TO PROGRAMS (CCC REFERRALS, RECREATION, ETC.)
SUBJECT 2 :
INCIDENT RPT NO: